

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
DELTA DIVISION**

**MARCUS WHITEAKER
ADC #157728**

PLAINTIFF

v. **CASE NO. 2:20-CV-00224-BSM**

APRIL L. BRANDON, *et al.*

DEFENDANTS

ORDER

After reviewing United States Magistrate Judge J. Thomas Ray's proposed findings and recommendations (RD) [Doc. No. 8] and the entire record *de novo*, the RD is adopted. Marcus Whiteaker's complaint is dismissed without prejudice for failing to state a claim upon which relief may be granted, and this dismissal counts as a "strike," pursuant to 28 U.S.C. § 1915(g). An *informa pauperis* appeal would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

IT IS SO ORDERED this 22nd day of June, 2021.


Brian S. Miles
UNITED STATES DISTRICT JUDGE